

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.8257 OF 2005

Phinsu @ Dhupat Shambihari

Singh .. Applicant

Versus

State of Maharashtra .. Respondent

Mr.Akhilesh Singh for applicant

Mr.K.V.Saste, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 20th December 2005.

P.C.

. Heard Mr.Singh for applicant and
Mr.Saste, A.P.P. for State. Applicant has been

arrested on 10th August 2005 after being arrayed as accused in C.R.I-198 of 2005 registered with Nalla Sopara Police Station for offences punishable under sections 307, 143, 147 to 149, 336, 324, 323, 504 and 506 of I.P.C. read with Section 3(1), 10, 6 of Atrocities Act.

2. The only submission made by Mr.Singh is that on identical allegations and role of assault by wooden stick, co-accused Chabiraj as well as others have been enlarged on bail by this Court and he invites my attention to averments in para 10 of this application.

3. Above fact is not disputed by Mr.Saste, but he states that applicant cannot claim parity considering that it was his act which was responsible for father of complainant sustaining injuries and in that behalf, he invites my attention to the medical certificate.

4. After having perused the said certificate as also statement of one Mangesh Tartha, it is clear that not only the applicant but others including Chabiraj had the same weapon and had indeed assaulted said Mangesh and his father. However, the only distinguishing aspect, according to Mr.Saste is that applicant assaulted father of Mangesh with wooden stick on his head. Barring this nothing else is attributed to applicant. In the light of this following order:-

i) Applicant shall be released on bail in connection with C.R.No.I-198 of 2005 registered with Nalla Sopara police station in the sum of Rs.10,000/- with one/two sureties in the like amount.

ii) Applicant shall attend Nalla Sopara police station twice a week on every Monday and Thursday between 5.00

p.m. and 7.00 p.m. till conclusion of trial.

iii) Applicant shall not enter Nalla Sopara city limits initially for a period of three months from today.

iv) Applicant shall not directly or indirectly make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with prosecution evidence.

v) Applicant shall cooperate with the learned Trial Judge for expeditious disposal of the trial. Any attempt by the applicant to delay the trial may be ground for cancellation of bail.

vi) Any observation made in this order shall not be construed as any

finding or any expression of opinion on the merits of the case at the time of trial.

vii) Application disposed of.

viii) Parties to act upon an authenticated copy of this order.

(S.C.DHARMADHIKARI, J)